IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 20611 of 2004

Between:

C. Yadaiah, S/o. Muthyalu,
M/s. Balaji Bajarang Industries (Rice Mill), Amangal Village and

Mandal, Mahabubnagar District.

..... PETITIONER

AND

1 District Collector, Mahabubnagar District at Mahabubnagar.
2 Mandal Revenue Officer, Amangal Mandal, Mahabubnagar

District.
3 Superintendent of Police (Vigilance & Enforcement), Hyderabad

Rural, B.R.K.R. Bhavan, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate writ declaring that the action of the respondents in seizing the rice bags (442 of 50 Kgs. each), broken rice of 20 Qtls. and Rice Bran of 20 Qtls. from the premises of the petitioner Rice Mill under the cover of Panchanama dated 15-09-2004 with the allegation that the rice bags for Food for Work Programme are being diverted, is arbitrary and without jurisdiction and direct the respondents to release the entire seized stock mentioned above to the petitioner forthwith as per the law laid down in 2002 (6) ALT 700.

Counsel for the Petitioner: MR.V.VENKATARAMANA

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following :

ORDER:

The petitioner is a partner of a rice mill at Amangal Village and Mandal, Mahabubnagar District. The 3rd respondent is said to have conducted a surprise inspection of the rice mill on 15-09-2004, on the basis of a statement said to have been made by a transport contractor to the effect that rice meant for Food for Work Programme, was being transported to the mill of the petitioner. Criminal Case No.107 of 2004 was registered against the petitioner in Police Station Amangal, under Sections 406, 409, 418 and 420 I.P.C., read with Section 7 of Essential Commodities Act. On the basis of this complaint, the stocks of rice, broken rice and bran rice, in the mill were seized on 15-09-2004, under a cover of panchanama. The petitioner challenges the same.

Learned counsel for the petitioner submits that no stock of rice meant for Food for Work, was recovered from the petitioner, and even assuming that the petitioner has any relation to the same, the question of seizure of the rice, broken rice and bran rice, of the petitioner, does not arise. He places reliance upon a judgment of this Court in ***Sheela Srinivas v. District Collector, karimnagar***.[1]

Learned Government Pleader for Civil Supplies, on the other hand, submits that the allegation against the petitioner with reference to the quantities of rice, broken rice, bran rice, referred to above, would be decided in the pending proceedings, and the release of the same is impermissible at this stage.

The basis for the respondents in seizing the various quantities referred to above is that they found 100 quintals of rice meant for Food for Work, being transported in a vehicle AHH 3025. The quantities that were seized from the petitioner are not even alleged to be those meant for public distribution, or supplied by the Government. The State and Central Government have revoked all the Control Orders, in relation to the stocking and movement of rice, and as of now there do not exist any restrictions of

stocking and movement of rice, paddy, broken rice etc. The F.I.R. No.107, dated 15-09-2004, registered against the petitioner is not the subject matter of this writ petition. In ***Sheela Srinivas v. District Collector, karimnagar*** (*1 supra*), this Court held that the seizure of the quantities of rice etc., from a mill or trader is impermissible in law. Detailed reference was made to the relevant provisions. The ratio of that case clearly applies to the facts of this case.

Hence, the writ petition is allowed, and the respondents are directed to release the stock seized from the petitioner forthwith, without imposing any conditions. There shall be no order as to costs.

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L. NARASIMHA REDDY, J.

Dt. 29 –12-2004.

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To

1 District Collector, Mahabubnagar District at Mahabubnagar.
2 Mandal Revenue Officer, Amangal Mandal, Mahabubnagar

District.
3 Superintendent of Police (Vigilance & Enforcement), Hyderabad

Rural, B.R.K.R. Bhavan, Hyderabad.

4 2 CCs to the G.P. For Civil Supplies, High Court Buildings,

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